

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES RZEPLINSKI,

Plaintiff,

v.

ORDER

DEBBIE TIDQUIST, TAMMY MAASEN,
and JODI DOUGHERTY,

15-cv-480-jdp

Defendants.

Plaintiff James Rzeplinski brings claims that officials at the Jackson Correctional Institution (JCI) violated his Eighth Amendment rights by blocking his re-entry into a program designed to treat prisoners with hepatitis C. Defendants have filed a motion for summary judgment based on Rzeplinski's failure to exhaust his administrative remedies. In a June 13 order, I denied Rzeplinski's motion for the court's assistance in recruiting him counsel. Rzeplinski now seeks to voluntarily dismiss the case rather than respond to the exhaustion motion, because he has not been able to find counsel himself. Defendants do not oppose the motion. I conclude that it is appropriate to dismiss the case without prejudice to his refiling it at a later date, which leaves Rzeplinski in the same position as if defendants had prevailed on their exhaustion motion.

ORDER

IT IS ORDERED that:

1. Plaintiff James Rzeplinski's motion to voluntarily dismiss the case, Dkt. 22, is GRANTED. This case is DISMISSED without prejudice.
2. The clerk of court is directed to enter judgment for defendants and close this case.

Entered July 5, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge